

Judge Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

NO. C09-102RSM

Plaintiff,

V.

\$26,156.56 in U.S. FUNDS CONTAINED
IN FRONTIER BANK ACCOUNT NO.
*****6160, more or less, and all proceeds
therefrom,

JUDGMENT OF FORFEITURE OF
\$26,156.56 in U.S. FUNDS
CONTAINED IN FRONTIER BANK
ACCOUNT NO. *****6160, more or
less, and all proceeds therefrom, and
1 (ONE) 2006 CHEVROLET HHR
WITH WASHINGTON LICENSE
PLATE NO. 624 ULY AND VIN NO.
3GNDA23P26S531258,

1 (ONE) 2006 CHEVROLET HHR WITH
WASHINGTON LICENSE PLATE NO.
624 ULY AND VIN NO.
3GNDAA23P26S531258,

and

1 (ONE) 2005 DODGE DAKOTA WITH
WASHINGTON LICENSE PLATE NO.
A22759X AND VIN NO.
1D7HW58N95S102123,

Defendants.

On January 23, 2009, Plaintiff United States filed a Verified Complaint for Forfeiture In Rem against the above-captioned defendant personal property. The government alleged that the defendant personal property was subject to forfeiture to the

1 United States pursuant to Title 18, United States Code, Section 981(a)(1)(C), as property,
2 real or personal, constituting or derived from proceeds traceable to the offense of Mail
3 Fraud, in violation of Title 18, United States Code, Section 1341.

4 On January 23, 2009, the United States filed a Notice of Verified Complaint of
5 Forfeiture In Rem.

6 The United States published notice of the In Rem forfeiture action on an official
7 internet government forfeiture website, www.forfeiture.gov, starting on January 30, 2009
8 and running consecutively for thirty days until its conclusion on February 20, 2009. All
9 interested parties were advised to file their claims pursuant to Supplemental Rule G(5) of
10 the Federal Rules of Civil Procedure with the Clerk of the Court within sixty (60) days
11 after the first day of the publication on an official internet government forfeiture site and
12 to serve their Answers to the Complaint within twenty (20) days after the filing of their
13 claim.

14 On March 3, 2009, William C. Davis, by and through counsel, Mark Mestel, filed
15 a verified claim to the defendant personal property, in which he claimed an ownership
16 interest.

17 On May 6, 2009, the Court entered an Order approving the stipulation of all parties
18 that attorney Mark Mestel withdraw from his role as counsel for Claimant William C.
19 Davis, and be substituted by attorneys Peter Offenbecher and Pamela Tonglao.

20 No other claimants have appeared in this action and the time allowed for filing a
21 claim has expired.

22 On August 17, 2009, the Court approved the Stipulated Forfeiture Settlement
23 Agreement entered in this matter as well as in related civil matter, C08-1238RSM and in
24 related criminal matter, CR08-421RSM. Claimant William C. Davis stipulated to
25 relinquish his claim to the above captioned \$26,156.56 in U.S. Funds contained in
26 Frontier Bank Account No. *****6160, more or less, and all proceeds therefrom, seized
27 on August 4, 2008 and 1 (One) 2006 Chevrolet HHR with Washington license plate no.
28 624 ULY and VIN no. 3GNDA23P26S531258; to the United States of America, agreeing

1 that the referenced defendant property is forfeitable in its entirety to the United States for
2 the reasons alleged in the Verified Complaint for Forfeiture In Rem.

3 Plaintiff United States, in turn, stipulated to the release and return of the above-
4 captioned 1 (One) 2005 Dodge Dakota with Washington license plate No. A22759X and
5 VIN 1D7HW58N95S102123.

6 Claimant William C. Davis further agreed to release and hold harmless the United
7 States, the United States Department of Justice, the United States Department of
8 Treasury, the Internal Revenue Service, the State of Washington, Snohomish County, and
9 the City of Arlington, and any agents, servants, and employees of the United States, the
10 State of Washington, Snohomish County, and/or the City of Arlington, acting in their
11 individual or official capacities, from any and all claims by William Davis and/or his
12 agents, heirs, successors, and assigns, which currently exist or which may arise as a result
13 of this forfeiture action.

14 Now, therefore, on Motion of the Plaintiff, the United States of America, for a
15 Judgment of Forfeiture of \$26,156.56 in U.S. Funds contained in Frontier Bank Account
16 No. *****6160, more or less, and all proceeds therefrom, seized on August 4, 2008 and
17 1 (One) 2006 Chevrolet HHR with Washington license plate no. 624 ULY and VIN no.
18 3GNDA23P26S531258; to the United States of America, it is hereby

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2 ORDERED, ADJUDGED and DECREED as follows:

3 1. This Court has jurisdiction over this action under Title 28, United States
4 Code, Sections 1345 and 1355. This Court has venue pursuant to Title 28, United States
5 Code, Section 1395.

6 2. The defendant \$26,156.56 in U.S. Funds contained in Frontier Bank
7 Account No. *****6160, more or less, and all proceeds therefrom, seized on August 4,
8 2008 and 1 (One) 2006 Chevrolet HHR with Washington license plate no. 624 ULY and
9 VIN no. 3GNDA23P26S531258 are hereby forfeited to the United States of America and
10 no right, title or interest in the above-described defendant property shall exist in any other
11 party.

12 3. The United States Department of Treasury, Internal Revenue - Criminal
13 Investigation and/or its agents and representatives shall dispose of the above-referenced
14 defendant forfeited property in accordance with the law.

15 4. The Clerk of the Court shall deliver three (3) "raised seal," certified copies
16 of the Judgment of Forfeiture to the United States Attorney's Office in
17 Seattle.

18 DATED this 2nd day of October, 2009.

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RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

Presented by:

s/ Darwin P. Roberts
DARWIN P. ROBERTS
Assistant United States Attorney
United States Attorney's Office
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
Telephone: (206) 553-2242
Fax: (206) 553-6934
Email: Darwin.Roberts@usdoj.gov